

115TH CONGRESS
2D SESSION

S. 2329

To reauthorize and amend the Water Infrastructure Finance and Innovation Act of 2014, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2018

Mr. HOEVEN (for himself and Mr. BOOKER) introduced the following bill;
which was read twice and referred to the Committee on Environment and
Public Works

A BILL

To reauthorize and amend the Water Infrastructure Finance
and Innovation Act of 2014, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water Infrastructure
5 Finance and Innovation Reauthorization Act of 2018”.

6 **SEC. 2. INNOVATIVE FINANCING PILOT PROJECTS.**

7 (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—Section
8 5023 of the Water Infrastructure Finance and Innovation
9 Act of 2014 (33 U.S.C. 3902) is amended—

1 (1) in subsection (a), by striking “Secretary
2 and the”; and

3 (2) by striking subsection (b) and inserting the
4 following:

5 “(b) REQUIRED APPROVAL OF CERTAIN PROJECTS
6 BY SECRETARY.—

7 “(1) IN GENERAL.—The Secretary shall ap-
8 prove projects under this subtitle that are eligible
9 under section 5026(1) or, as applicable, section
10 5026(8).

11 “(2) GUIDANCE.—The Secretary shall issue
12 guidance on information required to be included in
13 applications for projects requiring approval from the
14 Secretary under this subsection.”.

15 (b) APPLICATIONS.—Section 5024 of the Water In-
16 frastructure Finance and Innovation Act of 2014 (33
17 U.S.C. 3903) is amended—

18 (1) by striking subsection (a) and inserting the
19 following:

20 “(a) IN GENERAL.—To receive assistance under this
21 subtitle, an eligible entity shall submit to the Adminis-
22 trator, and the Secretary, if applicable, an application at
23 such time, in such manner, and containing such informa-
24 tion as the Administrator and the Secretary, if applicable
25 may require.”; and

1 (2) in subsection (b), by striking “Secretary or
 2 the Administrator, as applicable,” and inserting
 3 “Administrator, and the Secretary, if applicable,”.

4 (c) DETERMINATION OF ELIGIBILITY AND PROJECT
 5 SELECTION.—Section 5028 of the Water Infrastructure
 6 Finance and Innovation Act of 2014 (33 U.S.C. 3907) is
 7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A), by striking
 11 “Secretary or the Administrator, as appli-
 12 cable,” each place it appears and inserting
 13 “Administrator”; and

14 (ii) by striking “Secretary or the Ad-
 15 ministrator, as applicable.” and inserting
 16 “Administrator.”;

17 (B) in paragraph (4)(B), by striking “Sec-
 18 retary or the Administrator, as appropriate,”
 19 and inserting “Administrator”;

20 (C) in paragraph (5)(A), by striking “the
 21 Administrator has authority under paragraph
 22 (2) or (3) of section 5023(b) and for which”;
 23 and

24 (D) by striking paragraph (6) and insert-
 25 ing the following:

1 “(6) OPERATION AND MAINTENANCE PLAN.—

2 The Administrator, and the Secretary, if applicable,
3 shall determine whether an applicant for assistance
4 under this subtitle has developed, and identified ade-
5 quate revenues to implement, a plan for operating,
6 maintaining, and repairing the project over the use-
7 ful life of the project.”; and

8 (2) in subsection (b)(1), by striking “Secretary
9 or the Administrator, as applicable,” and inserting
10 “Administrator”.

11 (d) SECURED LOANS.—Section 5029 of the Water
12 Infrastructure Finance and Innovation Act of 2014 (33
13 U.S.C. 3908) is amended—

14 (1) in subsection (a)—

15 (A) by striking “Secretary or the Adminis-
16 trator, as applicable,” and inserting “Adminis-
17 trator”; and

18 (B) in paragraph (2), by striking “Sec-
19 retary or the Administrator, as applicable” and
20 inserting “Administrator”;

21 (2) in subsection (b)—

22 (A) in paragraph (1), by striking “Sec-
23 retary or the Administrator, as applicable,” and
24 inserting “Administrator”;

1 (B) in paragraph (5)(A)(ii), by striking
2 “Secretary or the Administrator, as applicable”
3 and inserting “Administrator”; and

4 (C) in paragraph (7), by striking “Sec-
5 retary or the Administrator, as applicable,”
6 each place it appears and inserting “Adminis-
7 trator”;

8 (3) in subsection (c)—

9 (A) in paragraph (1), by striking “Sec-
10 retary or the Administrator, as applicable,” and
11 inserting “Administrator”;

12 (B) in paragraph (2)(A), by striking “Sec-
13 retary or the Administrator, as applicable” and
14 inserting “Administrator”; and

15 (C) in paragraph (3)—

16 (i) in subparagraph (A), by striking
17 “Secretary or the Administrator, as appli-
18 cable” and inserting “Administrator”; and

19 (ii) in subparagraph (C)(i), by strik-
20 ing “Secretary or the Administrator, as
21 applicable,” and inserting “Adminis-
22 trator”;

23 (4) in subsection (d), by striking “Secretary or
24 the Administrator, as applicable,” each place it ap-
25 pears and inserting “Administrator”; and

1 (5) in subsection (e)—

2 (A) in paragraph (1), by striking “Sec-
3 retary or the Administrator, as applicable,”
4 each place it appears and inserting “Adminis-
5 trator”; and

6 (B) in paragraph (2), by striking “Sec-
7 retary or the Administrator, as applicable.” and
8 inserting “Administrator.”.

9 (e) PROGRAM ADMINISTRATION.—Section 5030 of
10 the Water Infrastructure Finance and Innovation Act of
11 2014 (33 U.S.C. 3909) is amended—

12 (1) by striking “Secretary or the Administrator,
13 as applicable,” each place it appears and inserting
14 “Administrator”; and

15 (2) in subsection (c)—

16 (A) by striking “Secretary or the Adminis-
17 trator, as applicable.” each place it appears and
18 inserting “Administrator.”; and

19 (B) in paragraph (1), by striking “to assist
20 the Secretary or” and inserting “to assist”.

21 (f) REGULATIONS.—Section 5032 of the Water Infra-
22 structure Finance and Innovation Act of 2014 (33 U.S.C.
23 3911) is amended—

24 (1) by striking “Secretary or the Administrator,
25 as applicable,” and inserting “Administrator”; and

1 (2) by striking “regulations as the Secretary
2 or” and inserting “regulations as the”.

3 (g) FUNDING.—Section 5033 of the Water Infra-
4 structure Finance and Innovation Act of 2014 (33 U.S.C.
5 3912) is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph (1),
8 by striking “each of the Secretary and”;

9 (B) in paragraph (4), by striking “and” at
10 the end; and

11 (C) by striking paragraph (5) and insert-
12 ing the following:

13 “(5) \$90,000,000 for fiscal year 2019;

14 “(6) \$100,000,000 for fiscal year 2020;

15 “(7) \$110,000,000 for fiscal year 2021;

16 “(8) \$120,000,000 for fiscal year 2022;

17 “(9) \$130,000,000 for fiscal year 2023; and

18 “(10) \$140,000,000 for fiscal year 2024.”;

19 (2) by redesignating subsections (b), (c), and
20 (d) as subsections (c), (d), and (e), respectively;

21 (3) by inserting after subsection (a) the fol-
22 lowing:

23 “(b) PROJECT FUNDING REQUIREMENTS.—

1 “(1) IN GENERAL.—Except as provided in para-
 2 graph (2), of the funds made available to carry out
 3 this subtitle—

4 “(A) 50 percent of the funds shall be used
 5 for projects that require the approval of the
 6 Secretary under section 5023(b)(1); and

7 “(B) 50 percent of the funds shall be used
 8 for projects under this subtitle not described in
 9 subparagraph (A).

10 “(2) REALLOCATION.—For any fiscal year, if
 11 amounts for projects described in paragraph (1)(A)
 12 remain available after receiving all applications sub-
 13 mitted under section 5024, the Administrator may
 14 reallocate the amounts to be used for projects de-
 15 scribed in paragraph (1)(B).”;

16 (4) in subsection (c) (as so redesignated), by
 17 striking “the Secretary or the Administrator” and
 18 all that follows through the period at the end and
 19 inserting “the Administrator may use for the admin-
 20 istration of this subtitle, including for the provision
 21 of technical assistance to aid project sponsors in ob-
 22 taining the necessary approvals for the project, not
 23 more than \$3,000,000 for each of fiscal years 2015
 24 through 2024.”;

1 (5) in subsection (d) (as so redesignated), by
 2 striking “Secretary or the Administrator, as applica-
 3 ble,” each place it appears and inserting “Adminis-
 4 trator”; and

5 (6) in subsection (e) (as so redesignated), by
 6 striking “Secretary or the Administrator, as applica-
 7 ble,” and inserting “Administrator”.

8 (h) REPORTS ON PILOT PROGRAM IMPLEMENTA-
 9 TION.—Section 5034 of the Water Infrastructure Finance
 10 and Innovation Act of 2014 (33 U.S.C. 3913) is amend-
 11 ed—

12 (1) in subsection (a), in the matter preceding
 13 paragraph (1), by striking “the Secretary and”; and

14 (2) in subsection (b)—

15 (A) in paragraph (1), by striking “4 years
 16 after the date of enactment of this Act” and in-
 17 serting “2 years after the date of enactment of
 18 the Water Infrastructure Finance and Innova-
 19 tion Reauthorization Act of 2018”; and

20 (B) in paragraph (2)(B)(i), by striking
 21 “Secretary or the Administrator, as applicable,”
 22 and inserting “Administrator”.

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